

## REMARKS

This communication is in response to the non-final Office Action issued April 20, 2004. The Examiner rejected claims 1 and 2 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. The Examiner rejected claims 1 and 2 under 35 U.S.C. § 102 in view of Japanese Publication No. 2002-360943 to Onishi Tomohiko *et al.* (Tomohiko).

### Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

On page one of the Office Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention.

The claims have been amended above to clarify the recitation cited by the Examiner.

In view of the foregoing, the Examiner's rejections under 35 U.S.C. § 112, second paragraph, of the claims are believed to be overcome.

### Claim Rejections Under 35 U.S.C. § 102

On pages 2 and 3 of the Office Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. § 102 in view of Tomohiko.

An English abstract of Tomohiko, obtained from the Japanese Patent Office website, is provided herewith as Exhibit A. This application was published on December 17, 2002.

The instant application was filed in the U.S. Patent and Trademark Office on October 10, 2003. However, as indicated on the declaration, this application claims priority to Japanese Patent Application No. 2002-299481, which was filed in the Japanese Patent Office on October 11, 2002. A certified copy of this Japanese application is submitted concurrently herewith. Since priority was properly claimed under 35 U.S.C. § 119, the instant application has an

effective filing date of October 11, 2002. Thus, Tomohiko does not qualify as prior art, and the rejections of the claims must be withdrawn.

In view of the foregoing, the Examiner's rejections under 35 U.S.C. § 102 to the claims are believed to be overcome.

#### Additional Fees

The Commissioner is hereby authorized to charge any insufficiency or credit any overpayment associated with this application to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 19-5127 (order no. 18920.0040).

#### Conclusion

Claims 1 and 2 are pending in the application and are believed to be in condition for allowance. In view of the foregoing, all of the Examiner's rejections of the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all claims. Should the Examiner feel further communication would help prosecution, the Examiner is urged to call the undersigned at the telephone number provided below.

Respectfully Submitted,



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Dated: July 19, 2004

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## EXHIBIT A

# PATENT ABSTRACTS OF JAPAN

(11)Publication number : 2002-360943

(43)Date of publication of application : 17.12.2002

(51)Int.Cl.

A63H 11/18  
A63H 11/00  
B25J 5/00

(21)Application number : 2001-170315

(71)Applicant : SEGA TOYS:KK  
IMAJIKKU:KK

(22)Date of filing : 05.06.2001

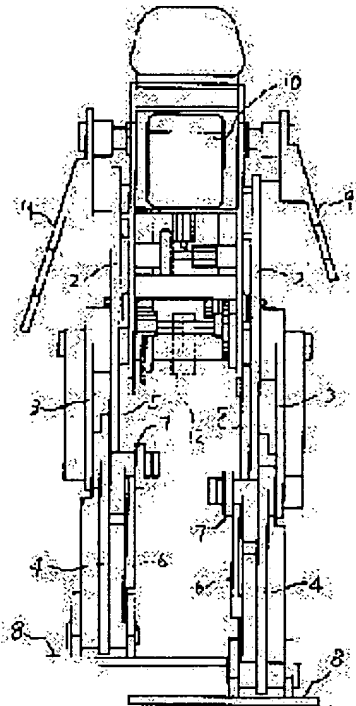
(72)Inventor : ONISHI TOMOHIKO  
NAGASAKA YOSHIZO  
KAKIZAKI KATSUMI

### (54) ROBOT TOY

#### (57)Abstract:

PROBLEM TO BE SOLVED: To provide a bipedalism robot toy hard to fall down even if it walks with long steps.

SOLUTION: This robot toy is provided with walking mechanisms 1 to 8 adapted to walk by repeatedly letting out one leg in front of or in the rear of the other leg and stopping means 12, 31, 32, 33 for stopping walking in a fixed walking attitude. Thus, stopping in the state of being easy to fall is avoided in walking with long steps.



### LEGAL STATUS

[Date of request for examination]

[Date of sending the examiner's decision of rejection]

[Kind of final disposal of application other than the examiner's decision of rejection or application converted registration]

[Date of final disposal for application]

[Patent number]

## EXHIBIT A

[Date of registration]

[Number of appeal against examiner's decision of rejection]

[Date of requesting appeal against examiner's decision of rejection]

[Date of extinction of right]

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